Appl. No. 10/804,721
Amdt. dated November 17, 2006
Reply to Office action of September 25, 2006

REMARKS/ARGUMENTS

Responsive to the final action dated September 25, 2006, applicants submit a Rule 1.132 Declaration by John A. McClure, which unequivocally states that he was the inventor of the subject matter of U.S. 6,539,303 cited by the examiner. Therefore, the reference invention is not "by another" and is not prior art under either 35 U.S.C. § 102 (a) or (e). *See,* MPEP § 706.02(b). The original application incorporated this patent and its continuation-in-part by reference. See paragraph [0091].

As noted by the examiner at the interview conducted on May 11, 2006, with U.S. 6,539,303 removed, the claims appear to overcome the prior art of record. Therefore, the application appears to be in condition for allowance and a notice of allowance is respectfully requested.

The examiner is invited to contact the undersigned by telephone if prosecution of this application can be expedited thereby.

Substance of the October 25, 2006 Interview

1) No exhibits were shown or demonstrations conducted.

2) Claims 1-21 were discussed.

3) McClure et al. 6,539,303 was discussed.

4) The principal proposed amendment involved removing U.S. 6,539,303 in order to overcome the prior art rejection, e.g. by perfecting any priority claim and swearing behind McClure's PG publication date.

5) Applicants' principal argument was that McClure et al. U.S. 6,539,303 could be removed as a reference, whereby the claims would be allowable, as indicated by the examiner.

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| I hereby certify that this paper is being filed by facsimile transmission (571-273-8300) with the U.S. Patent and Trademark Office.

Date of fax transmission: November 17, 2006

Mark Brown
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Respectfully Submitted,

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